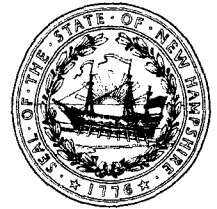




The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

Michael Kauffman, Executive Director  
Daniel Webster Council, Inc.  
Boy Scouts of America  
571 Holt Street  
Manchester, NH 03109

**ADMINISTRATIVE ORDER  
NO. WD 05-024**

August 4, 2005

Re: Camp Bell, Hidden Valley Boy Scout  
Camp, Manning Lake, Gilmanton

**A. INTRODUCTION**

This Administrative Order is issued by the Department of Environmental Services, Water Division to the Daniel Webster Council, Inc., of the Boy Scouts of America pursuant to RSA 484-A:29-44. This Administrative Order is effective upon issuance.

**B. PARTIES**

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive, Concord, NH 03301.
2. The Daniel Webster Council, Inc. ("the Council") is a New Hampshire corporation having a mailing address of 571 Holt Street, Manchester, NH 03109.

**C. STATEMENTS OF FACTS AND LAW**

1. RSA 485-A:29-44 authorizes DES to regulate the subdivision of land and the construction, maintenance, and repair/replacement of individual sewage disposal systems ("septic systems"). Pursuant to rulemaking authority conferred therein, the Commissioner of DES has adopted Env-Ws 1000 to implement this program.
2. The Council operates Camp Bell and Hidden Valley camps for summer camping for groups of Boy Scouts on Manning Lake Road in Gilmanton. These properties are located on Tax Map 5, Lot 1 in Gilmanton, NH ("the Property").
3. The campsites include various washing and shower facilities as well as septage disposal systems.
4. RSA 485-A:29, I requires submission of plans to DES for approval prior to construction of such waste disposal systems.

5. On April 19, 2000, the Council submitted five (5) applications for enclosed vaults (concrete privies) and dry wells to serve different areas of the Property.
6. Each of these applications requested a waiver of the administrative rule requiring a four foot separation from the bottom of a dry well to the seasonal high water table.
7. On April 20, 2000, DES sent a letter to Turning Point Land Surveyors, system designer and agent for the Council, denying its request for waivers of the distance to the seasonal high water table and requesting that new plans be submitted showing the proper distance to seasonal high water. (See Attached).
8. DES received no further plans from the Council addressing the changes requested by DES to the original design applications.
9. On or about May 14, 2005, personnel from DES along with personnel from several boards and commissions of the Town of Gilmanton toured Camp Bell and the Hidden Valley camp.
10. During this inspection, the assembled group visited the facilities for which the septic applications had been submitted. The manager of the camps stated that each of the five systems had been installed on the Property.

#### **D. DETERMINATION OF VIOLATIONS**

1. The Council has violated RSA 485-A:29, I and RSA 485-A:32, I by installing septic systems without receiving prior approval from DES.
2. The Council has violated RSA 485-A:29, I and Env-Ws 1004.06 by installing and covering a septic system prior to inspection by DES personnel.

#### **E. ORDER**

Based on the above findings, DES hereby orders the Council as follows:

1. **By September 6, 2005**, cease all use of the five unpermitted septic systems installed on the Property.
2. **By October 6, 2005**, submit new septic system plans for the five sites that are the subject of this Order. These plans should address the deficiencies noted in DES' denial of the earlier plans.
3. **By November 15, 2005**, install new septic systems for the five affected areas according to plans approved by DES.
4. **By December 1, 2005**, request inspection of the new septic systems prior to covering those systems.

5. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Richard J. de Seve, Compliance Supervisor  
Subsurface Systems Bureau  
DES Water Division  
P.O. Box 95  
Concord, NH 03302-0095  
Fax: (603) 271-6683  
e-mail: [rdeseve@des.state.nh.us](mailto:rdeseve@des.state.nh.us)


#### F. APPEAL


Any person aggrieved by this Order may appeal the Order to the Water Council by filing an appeal that meets the requirements specified in Env-WC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve Daniel Webster Council, Inc. of the obligation to comply with the Order.

#### G. OTHER PROVISIONS

Please note that RSA 485-A:43 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. Daniel Webster Council, Inc. remains obligated to comply with all applicable requirements, in particular submitting approvable septic plans to DES within the timeframe specified in this Order. DES will continue to monitor Daniel Webster Council's compliance with applicable requirements and will take appropriate action if additional violations are discovered.

This Order is being recorded in the Belknap County Registry of Deeds so as to run with the land.

  
**COPY**  
Harry T. Stewart, P.E., Director  
Water Division

  
**COPY**  
Michael P. Nolin, Commissioner  
Department of Environmental Services

Certified Mail/RRR: 7099 3400 0002 9773 0611

cc: Gretchen R. Hamel, Legal Unit Administrator✓  
Public Information Officer, DES PIP Office  
Jennifer J. Patterson, Sr. Asst. Attorney General, NHDOJ/EPB  
Board of Selectmen, Town of Gilmanton